

June 6, 2021

**VIA ECF**

Hon. Taryn A. Merkl  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Durand, et al., v. Excelsior Care Group LLC d/b/a Cold Spring Hills  
Center for Nursing and Rehabilitation*, Docket No. 1:19-cv-02810-KAM-TAM

Dear Judge Merkl:

This firm, together with T.A. Blackburn Law PLLC, represents Plaintiffs Myriam Durand, Martine Theogene, Nerly Guerrier and Kernes Pierre (“Plaintiffs”) in the above-referenced matter. First, Plaintiffs’ counsel apologizes for the late filing of this letter. Unfortunately, there was an unforeseen technical difficulty in uploading the documents on Friday June 4, 2021. We ask that the court excuse our lateness and accept this filing.

In addition, we write jointly with Defendant’s counsel to confirm that, per Judge Bulsara’s Order, dated May 23, 2021, the parties will be filing their *Cheeks* motion for settlement approval shortly. The parties also wish to advise the Court that they would consent to the determination of the *Cheeks* motion by either Judge Bulsara – who conducted two settlement conferences with the parties – or Your Honor.

Finally, with respect to the scheduling of any dispositive motions on Plaintiffs’ remaining claims (*i.e.*, the seventh through ninth causes of action), the parties jointly propose that any such motions be served within 45 days after the Court approves the parties’ settlement, with opposition papers due 30 days thereafter, and reply papers due 30 days after opposition is served.

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

/s/ Frasilie Stinvil

Frasilie Stinvil, Esq.

cc: All Counsel of Record (via ECF)